

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:15-cv-00304-MOC

**RANDELL BRICE HARRIS,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,**

Defendant.

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**ORDER**

**THIS MATTER** is before the court on plaintiff's pro se letter (#8). In the time since this court issued its last Order (#7) in this above-captioned matter, the plaintiff has contacted the Court of Appeals for the Fourth Circuit. The Circuit noted that it was "without jurisdiction to act" as no certificate of appealability had been issued. See (#8, p. 2). Plaintiff was provided a copy of this court's docket sheet in this matter, which showed that this court had declined to issue a certificate of appealability in a prior Order (#4).

Plaintiff purports to have sent a document, "Petitioner's Notice of Appeal," (#8-2) to this court in November 2015. No entry was made in this court's docket sheet. The letter has not yet been considered by this court. The court will assume *arguendo* that this pro se plaintiff's filing was sent in a timely fashion and in accordance with the relevant Federal Rules.

The court will deem this pro se letter (#8) to be plaintiff's Notice of Appeal regarding the denial of a certificate of appealability. The Court of Appeals has entertained appeals from individuals who were denied a motion for a certificate of appealability. See, e.g., United States v. Scott, 585 Fed.App'x. 99 (4th Cir. 2014) (per curiam); Welch v. Angelone, 69 Fed.App'x. 195

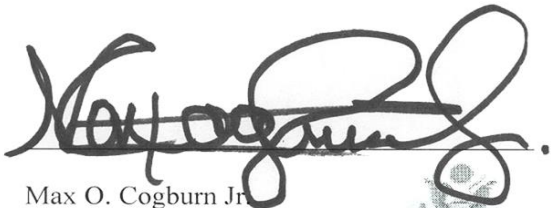
(4th Cir. 2003) (per curiam); Delgado v. Johnson, 101 Fed.App'x. (4th Cir. 2004) (per curiam).

As such, this court acknowledges this plaintiff's Notice of Appeal of his denial of a certificate of appealability in this court's prior Orders (#4 & #7).

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's pro se letter (#8) is **DEEMED** to be plaintiff's "**NOTICE OF APPEAL**" regarding the denial of a certificate of appealability. The Clerk of Court is instructed to note such appeal and transmit the Notice to the Clerk of Court for the Court of Appeals for the Fourth Circuit.

Signed: November 8, 2016



Max O. Cogburn Jr.  
United States District Judge